

EXHIBIT 10



October 10, 2024

BY ELECTRONIC MAIL:
certification@legitscript.com

RE: LegitScript Certification of Empower Pharmacy

Dear LegitScript Certification Team,

We write to seek clarification regarding LegitScript's denial of the application by Empower Pharmacy ("Empower") for Healthcare Merchant Certification. As you know, Empower is a 503A compounding pharmacy seeking certification from LegitScript. To date, and for reasons not made clear to Empower, LegitScript has not granted Empower a LegitScript certification. Therefore, Empower requests additional information to help us understand the grounds for denial and ensure Empower's successful certification going forward.

Empower first applied for a Healthcare Merchant Certification from LegitScript in November 2022. Subsequently, just one month later, LegitScript rejected Empower's application, providing only vague and generalized reasons for its denial. Nonetheless, through the LegitScript appeals process, Empower challenged the Certification Board's decision in January 2023. Throughout the appeals process, LegitScript requested—and Empower provided—supplemental information and documentation, including Empower's quarterly reports submitted to the California Board of Pharmacy and facility inspection reports. After reviewing the documentation that Empower provided, LegitScript informed Empower in August 2023 that it continued to have concerns regarding Empower's regulatory compliance. With minimal guidance as to what information it could provide to alleviate LegitScript's concerns, Empower nevertheless endeavored to respond to LegitScript's request to the best of its ability. Despite Empower's diligent efforts to address LegitScript's outstanding concerns, LegitScript ultimately denied Empower's appeal.

In 2024, Empower submitted a new application for LegitScript certification. Empower kept its new application up-to-date and remained responsive to each and every one of LegitScript's questions. In May 2024, LegitScript informed Empower that it would be moving forward with a formal review of Empower's application. LegitScript then sent Empower a link to a questionnaire and a request for additional information. As with previous applications, Empower obliged and provided LegitScript with the requested supplemental information and documents. Once again, on June 24, 2024 LegitScript denied Empower's application for certification. LegitScript also imposed an unexpected six-month waiting period (ending December 24, 2024) before Empower would even be eligible to reapply. The reason, LegitScript wrote, was to "allow for adequate time to demonstrate sustained compliance with [LegitScript's] Certification Standards." LegitScript also stated its desire that the following three items be resolved in order for certification to move forward:



- “All state board of pharmacy consent orders, disciplinary action, and stipulation orders are required to be closed out.”
- “FDA acknowledgement that the response provided by Empower to the FDA Form 483 is sufficient.”
- “We require inspection reports (both self-assessment and the assessment performed by the hired inspector) for Q2-Q4.”

Empower understands that LegitScript does not frequently deny applications unless applicants are unwilling to come into compliance with LegitScript’s standards. Empower also understands that LegitScript generally works with applicants to ensure they are able to come into compliance with LegitScript’s standards for certification. To that end, Empower requests the following information from LegitScript to better understand the expectations and criteria set forth by your organization.

- (1) Please provide the LegitScript criteria, as well as any other instructions, that may be used for evaluating and coming into compliance with the three items listed above from LegitScript’s June 24, 2024 email to Empower.
- (2) How does LegitScript define “online pharmacy?”
- (3) What certification criteria applies to a non-“online pharmacy” or mail order pharmacy?
- (4) At what point is a prior regulatory activity or disciplinary action “closed out” for the purposes of LegitScript certification?
- (5) What criteria does LegitScript use to determine when an applicant is eligible for monitoring and supervision to assess suitability for probationary certification?
- (6) What criteria does LegitScript use to assess whether to grant probationary certification?
- (7) What acceptable methods may an applicant use to satisfactorily demonstrate to LegitScript that it has “demonstrated a commitment to compliance” during the period between applications?
- (8) How often does LegitScript modify its certification standards?
- (9) When was the last time LegitScript modified its certification standards?
- (10) What weight does LegitScript give to PCAB accreditations?
- (11) What criteria does LegitScript use to determine whether to impose a waiting period?



(12) What criteria does LegitScript use to determine the appropriate waiting period before reapplication after an application has been denied?

(13) Is there a standard amount of time for a waiting period, and if not, how long is the typical waiting period?

(14) To the extent that LegitScript is able, please provide your internal Standard Operating Procedures that address confidentiality of data collected during an applicant's certification process.

(15) Per LegitScript's internal policies and procedures, to what extent is LegitScript permitted to share or disseminate information and data collected from an applicant during its certification process?

Empower would greatly appreciate a prompt response to the questions above and would like to please schedule a call to discuss whatever information LegitScript can provide along these lines. This information will enable us to better understand LegitScript's requirements and to make any adjustments as needed to improve any future applications. Please let us know your next availability to discuss these issues, which are of critical importance to Empower's business and customer relationships. Thank you for your time and consideration. We look forward to hearing from you soon.

Sincerely,

/s/ [REDACTED]

[REDACTED]
Vice President, Compliance
Empower Pharmacy